

Office of the Secretary of Defense

§ 68.4

(k) DoD Directive 5500.7, “Standards of Conduct,” January 15, 1977.

§ 68.2 Purpose.

This part:

(a) Establishes policies and prescribes procedures for the Department of Defense (DoD) to make arrangements (as defined in § 68.5) for the provision of free public education to eligible dependent children as authorized by § 68.1 (a), (b), and (c).

(b) Implements § 68.1 (a), (b), (d), and (e).

§ 68.3 Applicability and scope.

This part applies to:

(a) The Office of the Secretary of Defense (OSD), the Military Departments, and the Defense Agencies.

(b) The schools operated by DoD within the Continental United States (CONUS), Alaska, Hawaii, Puerto Rico, Wake Island, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands.

§ 68.4 Policy.

(a) In conformity with § 68.1 (a), (b), and (c), it is DoD policy that dependent children of U.S. military personnel and federally employed civilian personnel residing on Federal property be educated, whenever suitable, in schools operated and controlled by local public school systems.

(b) When it is not suitable for the children of U.S. military personnel and federally employed civilian personnel to attend a locally operated public school, the Secretary of Defense, or designee, shall make arrangements for the free public education of such children. These arrangements may include the establishment of schools within the United States and specified possessions.

(c) The arrangements for such free public education shall be made by the Secretary of Defense, or designee, either with a local educational agency, or with the Head of a Federal Department or Agency, whichever in the judgment of the Secretary, or designee, appears to be more applicable. If such an arrangement is made with the Head of a Federal Department or Agency, either it must administer the property on which the children to be educated

reside or, if the local schools are unavailable to the children of members of the Armed Forces on active duty because of official State or local action and no suitable free public education may be provided by a local educational agency, the Department or Agency must have jurisdiction over the parents of some or all of such children.

(d) Section 6 School Arrangements are required, to the maximum extent practicable, to provide educational programs comparable to those being provided by local public educational agencies in comparable communities in the State where the Section 6 School Arrangement is located. If the Section 6 School Arrangement is outside of CONUS, Alaska, or Hawaii, it shall provide, to the maximum extent practicable, educational programs that are comparable to the free public education provided by the District of Columbia.

(e) Section 6 School Arrangements operated by DoD under § 68.1 (a) (b), and (d) shall comply, except as provided in this paragraph, with § 68.1(g). If the State or other jurisdiction on which a Section 6 School Arrangement’s educational comparability is based has adopted a “State plan” for the implementation of § 68.1(g) that Section 6 School Arrangement shall provide its handicapped students a free appropriate public education, as defined in § 68.1(g). That education, except as follows in this paragraph, is consistent with such State plan. To satisfy this responsibility, Section 6 School Arrangements shall conform to the substantive and procedural provisions of § 68.1(g), except for those relating to impartial due process hearings in section 1415 of § 68.1(g). The procedures of such Section 6 School Arrangements for the identification, assessment, and programming of handicapped students in special education and related services must conform to the comparable State’s regulatory guidelines. Complaints with respect to the identification, evaluation or educational placement of, or the free appropriate public education provided to, students in such a Section 6 School Arrangement who are or may be handicapped shall be investigated under enclosure 5 to DoD